

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems and Their) RM-9260
Impact upon the Existing Television)
Broadcast Service)

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PARTIAL OPPOSITION TO PETITION FOR RULEMAKING

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following Partial Opposition to the Petition for Rulemaking filed by the Community Broadcasters Association ("CBA") on September 30, 1998, and amended on March 18, 1998. The Commission issued a Public Notice on April 21, 1998, inviting statements opposing or supporting the CBA Petition.

APCO is the nation's oldest and largest public safety communications organization. Most of its 13,000 individual members are state or local government officials involved in the management, design, and operation of police, fire, emergency medical, local government, highway maintenance, forestry conservation, disaster relief, and other public safety communications systems. APCO is a certified frequency coordinator for Local Government Radio channels and is the sole coordinator for Police Radio channels and for all 800 MHz Public Safety channels. APCO has strongly supported the Commission's efforts to develop a digital television (DTV) channel plan which allows for the rapid reallocation and public safety use of 24 MHz of spectrum in the

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746-806 MHz band, as required by Section 3004 of the Balanced Budget Act of 1997.¹ Pursuant to that Congressional directive, the Commission has reallocated 764-776/794-806 MHz (TV channels 63, 64, 68, and 69) for public safety services.²

CBA is asking the Commission to create a new "Class A" television station class for certain low power television ("LPTV") stations, and to provide such Class A stations with "primary spectrum user status as against all but full power television stations." APCO objects to this proposal to the extent that it would grant LPTV stations primary status over new public safety operations in the 764-776/794-806 MHz band. This would include LPTV operations on channels 63, 64, 68, and 69, as well as adjacent channel operations on channels 62, 65, and 67. Per a Congressional mandate, the 764-776/794-806 MHz band has been reallocated for public safety services, and the Commission is currently conducting a proceeding to develop rules for the use and assignment of public safety frequencies in the new band. The Commission is required by the Balanced Budget Act of 1997 to "commence licensing" of public safety frequencies in the band no later than September 30, 1998.

The Commission's reallocation of channels 63, 64, 68, and 69, was based on the findings of the Public Safety Wireless Advisory Committee ("PSWAC") that police, fire, emergency medical services and other agencies need approximately 24 MHz of new spectrum to support their critical communications operations. PSWAC stressed in its final report that **"unless immediate measures are taken to alleviate spectrum shortfalls and**

¹ Pub.L.No. 105-33, 111 Stat. 251 §3004 (1997).

² Report and Order in WT Docket 97-157, FCC 97-421(released January 6, 1998), 63 Fed. Reg. 6669 (February 10, 1998).

promote interoperability, Public Safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost effective manner.” PSWAC Final Rpt at 2 (emphasis in original). The CBA Petition, if applied to channels 62-65 and 67-69, could stand in the way of the Commission’s statutorily mandated effort to address those needs.

APCO acknowledges that LPTV stations have serious concerns regarding the impact of the DTV transition process on their operations. While the Commission should attempt to address those concerns, it must not take any action that would stand in the way of the development and implementation of new public safety communications systems, which must have primary status over all LPTV operations. However, as APCO has stated in the past, a LPTV station need not cease operation unless and until those operations pose a potential for interference to actual public safety systems.


CONCLUSION

For the reasons stated above, APCO opposes the CBA Petition to the extent that it would allow LPTV stations to have primary status over public safety communications.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

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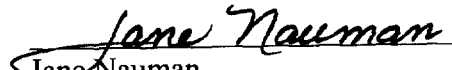
May 22, 1998

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CERTIFICATE OF SERVICE

I, Jane Nauman, hereby certify that a copy of the Partial Opposition to Petition for Rulemaking was served on this 22nd day of May, 1998, via first-class mail, postage prepaid, to the following individual at the address listed below:

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